### PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's

Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503. 1. Agency/Subagency originating request 2. OMB control number b. [ ] None 3. Type of information collection (*check one*) Type of review requested (check one) Regular submission a. [ b. [ Emergency - Approval requested by \_\_\_\_ a. [ ] New Collection Delegated b. [ ] Revision of a currently approved collection c. [ ] Extension of a currently approved collection 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? [ ] Yes [ ] No d. [ ] Reinstatement, without change, of a previously approved collection for which approval has expired e. [ ] Reinstatement, with change, of a previously approved collection for which approval has expired 6. Requested expiration date f. [ ] Existing collection in use without an OMB control number a. [ ] Three years from approval date b. [ ] Other Specify: For b-f, note Item A2 of Supporting Statement instructions 7. Title 8. Agency form number(s) (if applicable) 9. Keywords 10. Abstract 11. Affected public (Mark primary with "P" and all others that apply with "x") 12. Obligation to respond (check one) a. \_\_Individuals or households d. \_\_\_Farms
b. \_\_Business or other for-profite. \_\_\_Federal Government ] Voluntary Business or other for-profite. Federal Government

Not-for-profit institutions f. State, Local or Tribal Government Required to obtain or retain benefits 1 Mandatory 13. Annual recordkeeping and reporting burden 14. Annual reporting and recordkeeping cost burden (in thousands of a. Number of respondents b. Total annual responses a. Total annualized capital/startup costs 1. Percentage of these responses b. Total annual costs (O&M) collected electronically c. Total annualized cost requested c. Total annual hours requested d. Current OMB inventory d. Current OMB inventory e. Difference e. Difference f. Explanation of difference f. Explanation of difference 1. Program change 1. Program change 2. Adjustment 2. Adjustment 16. Frequency of recordkeeping or reporting (check all that apply) 15. Purpose of information collection (Mark primary with "P" and all others that apply with "X") a. [ ] Recordkeeping b. [ ] Third party disclosure ] Reporting a. \_\_\_ Application for benefits Program planning or management 1. [ ] On occasion 2. [ ] Weekly Program evaluation f. Research 3. [ ] Monthly General purpose statistics g. Regulatory or compliance 4. [ ] Quarterly 5. [ ] Semi-annually 6. [ ] Annually 7. [ ] Biennially 8. [ ] Other (describe) 18. Agency Contact (person who can best answer questions regarding 17. Statistical methods Does this information collection employ statistical methods the content of this submission) [ ] Yes [ ] No Phone:

OMB 83-I 10/95

### 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.* 

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee Date

OMB 83-I 10/95

| Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice) |      |  |  |  |  |  |  |  |
|--|------|--|--|--|--|--|--|--|
| Signature  | Date |  |  |  |  |  |  |  |
|  |      |  |  |  |  |  |  |  |
| Signature of NOAA Clearance Officer  |      |  |  |  |  |  |  |  |
| Signature  | Date |  |  |  |  |  |  |  |

### SUPPORTING STATEMENT SOUTHEAST REGION PERMIT FAMILY OF FORMS OMB NUMBER 0648-0205

#### A. JUSTIFICATION

### 1. Explain the circumstances that make the collection of information necessary.

It is extremely important to manage the fisheries in the Southeast because most are fully utilized if not over utilized. A major component of fisheries management in the Region is the permit system. The permit system has the following uses:

- a. Registration of actual and/or potential fishing vessels/dealers.
- b. Collection of data relevant to the characteristics of both vessels and (potential) fishermen.
- c. Securing of compliance (e.g., holding permit until unpaid penalties have been collected and reporting requirements are fulfilled).
- d. completion of a mailing list for the dissemination of regulatory information.
- e. Registration of participants for fisheries with special restrictions/limited access.
- f. Completion of sample frames for data collection.
- g. Collection of permit purchase information for fleet economic analyses.

The legislative authority to collect data from the various sectors of the economy that harvest marine resources in the exclusive economic zone is the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Under this authority the Secretary of Commerce has promulgated separate rules that require specific types of data submissions for the application process to obtain fishing permits.

Brown, pink, or white shrimp (penaeid) vessel owners must submit applications for federal fishing permits and provide relevant information on those applications. This collection is associated with rulemaking to implement Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP), as prepared and submitted by the South Atlantic Fishery Management Council (Council). The shrimp fishery off the southern Atlantic states is managed under the FMP. The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. The rulemaking requires an owner or operator of a trawler that harvests penaeid shrimp in the exclusive economic zone (EEZ) off the southern Atlantic states to obtain a Federal fishing permit in 50 CFR 622.4.

This family of forms includes data collection of data for agency observers aboard fishing vessels. Amendment 6 proposes an observer program for selected commercial vessels in the South Atlantic penaeid shrimp and rock shrimp fisheries. This requires a revision to 0648-0205 to allow the collection data associated with the vessel owners notifying the agency regarding their fishing activities, by telephonic communication, so that observers can arrange to board the vessel and observe the fishing trip.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Using the application already approved under 0648-0205, NMFS proposes to begin collecting hull identification numbers and hull type (such as wood, fiberglass, etc.) on south Atlantic penaeid shrimp vessels for the purpose of better determining unique vessels, and for complying with the Atlantic Coast Cooperative Statistics Program (ACCSP). NMFS also proposes to begin collecting fuel capacity, shrimp storage method (either freezer or ice), and the year that the vessel was originally built. These parameters affect the geographical range of a given vessel, and in turn, the vessel's fishing capability. These data need to be collected to allow partitioning of the fleet for fisheries economics/management assessment of shrimp fleet harvest capacity and efficiency. Compilation of a historical database for these parameters will indicate changes to the individual vessels or to the fleet over time, and therefore need to be periodically collected for tracking purposes via the application form. NMFS will use the vessel/ownership and related information collected on the previously-approved application to help identify and manage the South Atlantic penaeid shrimp fishery via collection of economic documentation. These data collections have been approved for the adjacent Gulf of Mexico shrimp fleet under a previous 0648-0205 clearance.

Individual person information and corporation shareholder information, including taxpayer identification numbers as described in the Debt Collection Act of 1973, need to be collected to properly identify fishery participants, enhance enforcement, and determine changes in the fishery over time. These data collections have been approved for other Southeast Region permits under a previous 0648-0205 clearance.

Currently, specific business entity information is not being collected by the Southeast Region. Since the business identity is unknown under the existing data collection, NMFS and NOAA cannot identify the tax status and legal liability or the ownership stricture, which complicates NMFS' mandatory regulatory impact analyses of federal regulatory actions on state and local governments. The organizational structure can impact who makes decisions within the fishing business, how those decisions are made, the goals or objectives of the fishing business, the entity's efficiency business operates, and the extent to which it can access and obtain capital resources for investment purposes.

Using the vessel permit application already approved under 0648-0205, NMFS proposes to collect readily available specific business entity information for all Southeast permit types regarding the fishing business' form of legal organization and whether the vessel is operated directly by the owner (owner-operator). Specifically, NMFS proposes that the applicant(s) completing the permit application (already approved under 0648-0205) must indicate the organizational structure as a sole proprietorship, partnership, corporation, or other type of entity. The proposed data collection would allow NMFS and NOAA to identify the applicants' organizational structure, and would provide more accurate data for fishery management, conservation and enforcement purposes.

NOAA Fisheries needs to collect information regarding the penaeid shrimp and rock shrimp

fishing trips so that observers may cover those fisheries and thereby obtain harvest data for management purposes.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a predissemination review pursuant to Section 515 of Public Law 106-554.

# 3. <u>Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.</u>

The Southeast Region currently has no resource or technological capability for electronic (i.e., Web site) collection of this data. Regarding the permitting data collection, the Southeast Region's Web site allows the public to obtain a fillable copy of the permit application via downloading to their printer. This permit application has already been approved under 0648-0205.

The Southeast Region currently has no resource or technological capability for electronic (i.e., Web site) permit application submittal and issuance. This capability cannot be accomplished in the Southeast Region in the next two years without significant changes to the permit issuance criteria and our permit issuance processes. Also, the Southeast Region Permits Team will be switching from a non-Web database (Rbase) to a Web-based database (Oracle) in the next four years. The Southeast Region also has completed a survey of permitted vessel owners to determine the feasibility of Web site application and associated costs/benefits. The survey results will be used to evaluate the feasibility of electronic permit transactions for possible inclusion in future permitting system changes and resource/technology allocations. Such changes could support NOAA's proposed initiative for One-Stop Shopping (to improve customer service through coordination of NOAA consultation and permitting activities).

Telephones are readily available to the vessel owners for efficient transmittal of the observer contact data without excessive burden to those persons. Electronic collection of this data, however, is being researched and may be implemented as practicable in the future.

#### 4. Describe efforts to identify duplication.

The Magnuson-Stevens Act's operational guidelines require each FMP to evaluate existing state and federal laws that govern the fisheries in question, and the findings are made part of each FMP. Each Fishery Management Council membership is comprised of state and federal officials responsible for resource management in their area. These two circumstances identify other collections that may be gathering the same or similar information. In addition, each FMP undergoes extensive public comment periods where potential applicants review the proposed

permit application requirements. Therefore, NMFS is confident it is aware of similar collections if they exist.

## 5. <u>If the collection of information involves small businesses or other small entities, describe</u> the methods used to minimize burden.

Because all applicants are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet the current and future needs of NMFS' fisheries management and permitting programs are requested from certain applicants.

# 6. <u>Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.</u>

If we did not identify and control the participants in the South Atlantic penaeid shrimp fishery, through the proposed data collections, it would critically reduce the management of our fishery resources. Since that information may change over time, periodic collection is needed. The penaeid shrimp permits are issued on an annual basis, but require an application for renewal on a biennial basis (every two years.)

## 7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The notice of availability of Amendment 6, and the proposed rule to implement Amendment 6, include a notice of and request for comments on this data collection.

Because these data collection programs are part of fishery management plans, all aspects of the programs have been reviewed by both statistical and constituent advisory committees. Furthermore, comments and suggestions from fishermen are routinely submitted, reviewed, and considered. Experience with the various programs, some of which have been operating for many years, provides a continual feedback mechanism to NMFS on issues and concerns to the applicants. This proposed rule did not raise an unusual amount of controversy during the Council review process. There are no major problems that have not been resolved.

## 9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

There are no payments or other remunerations to respondents.

## 10. <u>Describe any assurance of confidentiality provided to respondents and the basis for</u> assurance in statute, regulation, or agency policy.

Based on recent court decisions, the Freedom of Information Act serves as the basis for release of confidential name and address information via a NOAA Internet website for informational purposes as previously approved under 0648-0205. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics as previously approved under 0648-0205. Release of the confidential name and address information is not expected to create any controversy or create any new precedents since the fishing community already uses the NOAA Internet website information for permit purchase transaction information, and the new data collection will be merged into that information following merger of the data collection into 0648-0205.

# 11. <u>Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.</u>

No questions of a sensitive nature are asked.

### 12. Provide an estimate in hours of the burden of the collection of information.

Since the approval period is only for six months and all applications are expected to be received during that time period, all of the burdens are expected to be incurred in the first year, and the calculations are not annualized. The form to be used is the Gulf shrimp fishery vessel application, which has already been approved under 0648-0205. An owner of a vessel who desires a penaeid vessel permit based on the earned income and landings requirements would be required to obtain a permit application form from and submit it to NOAA Fisheries.

The collection-of-information requirements associated with this submission and the estimated public reporting burden for them is 20 minutes for a permit application. Under this collection, the burden is expected to be 589 hours due to the 0.34 hours for the 1731 new entities who each are expected to submit a permit application. NMFS anticipates that these respondents, responses, and burden hours had not been previously inventoried under 0640-0205.

The estimated public reporting burden for the vessel observer collection of information is 5 minutes per each of the 1731 responses per year. This results in a total of 1731 new responses, and 86 burden hours, per year. There are no new respondents as a result of the vessel observer data collection, as the vessel owners are already counted under the permitting burden.

The grand total, therefore, is 1,731 new respondents, 3,462 responses, and 675 additional burden

hours. These estimates have been added to the existing inventory for 0648-0205.

## 13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

Regarding the vessel observer data, it is expected that 50 percent of the 1,731 responses (in other words, 866 telephone calls) will incur a \$.35 charge to the telephone communication service. Therefore, the public would pay \$0.35 times 866, for a total of \$303, as the total annual cost burden to the respondents.

A fee is charged for each permit application/request submitted (regardless of whether or not the application meets the criteria and is approved). The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative cost of each special product or service. Under that schedule, a person filling out an application is charged \$50 for the first permit category. The fees total \$86,550 per year since, based on NMFS' permits business practice, the 1731 respondents will each need to pay \$50 for the application processing fee. All of the permitting costs are expected to be incurred in the first year, so the calculations are not annualized.

In addition, the public pays mailing costs for the various permitting responses. Those mailing costs are estimated at \$.37 average per each of the 1,731 responses, or \$640 total per year. No duplication costs are expected.

The grand total of vessel observer data, permitting and mailing costs is \$87, 493 for the first year. No other cost burdens are expected from the other components of this collection.

### 14. Provide estimates of annualized cost to the Federal government.

The administrative costs for the program are paid by the fishermen. As a result, there is no cost to the Federal government.

# 15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

Program changes are requested for the reasons stated in the proposed rule and this supporting statement. As a result of the program changes listed above, the total number of annual respondents, responses, and the total number of burden hours requested, is more than the current OMB inventory.

# 16. For collections whose results will be published, outline the plans for tabulation and publication.

The results from this collection are not planned for statistical publication.

# 17. <u>If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.</u>

The OMB number will be displayed.

# 18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exemptions to the certification statement identified in Item 19 of OMB 83-I.

### B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods at present.



U.S. DEPARTMENT OF COMMERCE, NOAA NOAA FISHERIES PERMITS TEAM, F/SER22 9721 EXECUTIVE CENTER DRIVE N. ST. PETERSBURG, FL 33702 727/570-5326 (8 am - 4:30 pm EST) http://www.sero.nmfs.noaa.gov

OMB No. 0648-0205

Form Approval Expires:10/31/2006

# FEDERAL PERMIT APPLICATION FOR VESSELS FISHING FOR SHRIMP IN THE GULF OF MEXICO AND/OR SOUTH ATLANTIC EEZ

Please Print Legibly or Type

|   |   |                                    |          |                     |             |                            | FOR OFFICE USE ONLY                                    |                      |                  |                         |                 |  |  |  |
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| ☐ GULF OF MEXICO SHRIMP PERMIT  |   |                                    |          |                     |             |                            | E\ // E\ A //  |                      |                  |                         |                 |  |  |  |
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| SECOND OWNER/PARTNER/SHAREHOLDER/OFFICER'S NAME                             |   |                                    |          |                     |             | 1                          | AREA CODE/TELEPHONE NO.                                |                      |                  |                         |                 | NO.  |  |  |
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| Owner's Signatu   | ire:  |                                    |          |                     |             |                            |  |                      |                  | Date                    | e Signed:       |  |  |  |
| Position Title if Vessel is Owned by a Corporation/Partnership:             |   |                                    |          |                     |             |                            |  |                      |                  |                         |                 | Revised: 3/8/2005                              |  |  |

### **INSTRUCTIONS** (Incomplete or illegible applications will be returned.)

- 1. Sections 1, 2, 4, and 5, shown with an asterisk, must be completed or application will be returned. Complete Section 3 only if applicable. You must submit taxpayer identification number in Section 2 and, if applicable, Section 3 (i.e., Social Security number for individuals, and Federal ID number for corporations)
- 2. The application fee is **\$50**. A **non-refundable** check or money order made payable to the **U.S. TREASURY** must accompany each application.
- 3. The following information must accompany the application to be considered complete: **copy of current U.S. Coast Guard Documentation or state registration** and check/money order in the amount of \$50. Provide a copy of the current lease agreement, and active articles of incorporation and annual business report, where applicable (see Sections 2 and 3 below). The application package must be mailed to: NOAA Fisheries (F/SER22), 9721 EXECUTIVE CENTER DRIVE N., ST. PETERSBURG, FL 33702. If you have a question regarding the application or qualification criteria, please call 727/570-5326 between 8 am 4:30 pm EST. If you would like your permit and associated documents returned to you via overnight mail, enclose a Federal Express mailing label complete with your physical delivery address (Post Office Box addresses are not acceptable for Federal Express mailings), telephone number, and account number, or credit card number with expiration date.

Please Note: In accordance with Federal regulations, any change in your permit information must be reported to the NOAA Fisheries Regional Administrator within 30 days of the change.

<u>SECTION 1</u> Most applicable information can be found on the U.S. Coast Guard Documentation or State Registration for the vessel.

<u>SECTION 2</u> Enter the information of the person shown as the "owner" on the vessel's certificate of documentation or, if not documented, on the state registration certificate. If the person shown as the "owner" is a corporation or partnership, enter the Federal ID number and date the corporation/partnership was formed; all officers and/or shareholders of the corporation must also be listed (address, phone numbers, birth dates). If the vessel is owned by more than one person, all partners must be listed. Attach an additional sheet of paper if necessary to list all officers, shareholders, and/or partners. If the vessel is corporately owned, a copy of the Articles of Incorporation and a copy of the active annual business report must be submitted. An inactive corporation will not be issued a permit. Tonnages are not required for state registered vessels.

**SECTION 3** Complete this section only when the vessel is being operated under a lease or other written management agreement that bestows control over the destination, function or operation of the vessel to a person other than the vessel owner shown in Section 2 of this application. Enter the date of expiration of the lease or written management agreement. If such lease or written management agreement exists, the controlling person is the owner for the purposes of the permit. You must submit a copy of current lease agreement that is signed by all parties.

**SECTION 4** Indicate in the space provided, the method used to store shrimp onboard the fishing vessel, and the type of gear you use to harvest shrimp in the Gulf of Mexico.

**SECTION 5** The application must be signed by the vessel owner applying for the license. If corporate/partnership owned, the application must be signed by an officer or shareholder of the corporation.

KNOWINGLY SUPPLYING FALSE INFORMATION OR WILLFULLY OVERVALUING ANY FISHING INCOME FOR THE PURPOSE OF OBTAINING A PERMIT IS A VIOLATION OF FEDERAL LAW PUNISHABLE BY A FINE AND/OR IMPRISONMENT.

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to Robert Sadler, NOAA Fisheries, F/SER22, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Confidential name and address information will be released via a NOAA Fisheries website for informational purposes. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.